

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH McKEEVER,

Plaintiff,

v.

WALKER, et al.,

Defendants.

No. 2:20-cv-2536-WBS-EFB P

ORDER

Plaintiff is a county jail inmate proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has submitted an *unsigned* affidavit¹ requesting leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a)(1).² ECF No. 7. And he has not yet submitted a certified trust account statement. According to plaintiff, jail officials “still haven’t responded” to his request for one. *Id.* at 3.

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¹ Rule 11 of the Federal Rules of Civil Procedure requires that “[e]very pleading, written motion, and other paper . . . be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a).

² For this reason, the court withdraws its February 8, 2021 findings and recommendations (ECF No. 5), recommending that this action be dismissed due to plaintiff’s failure to either pay the filing fee or seek leave to proceed in forma pauperis.

Accordingly, IT IS ORDERED that:

1. The February 8, 2021 findings and recommendations (ECF No. 5) are withdrawn.
2. Plaintiff's unsigned in forma pauperis application (ECF No. 7) is disregarded.
3. Within 30 days from the date of service of this order, plaintiff shall submit a *signed* in forma pauperis application and a certified trust account statement.³
4. Failure to comply with this order may result in another recommendation of dismissal.
5. The Clerk is directed to send to plaintiff a new form Application to Proceed In Forma Pauperis by a Prisoner.

Dated: February 16, 2021.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

³ If plaintiff is unable to comply with this order, he must submit to the court a copy of his request for a copy of his certified trust account statement along with any responses received from jail officials.